

Message Text

PAGE 01 USUN N 00936 01 OF 02 170328 Z

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ACTION IO-13

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INFO AMCONGEN HONG KONG

C O N F I D E N T I A L SECTION 1 OF 2 USUN 0936

E. O. 11652: GDS

TAGS: PBOR, UN

SUBJ: LOS: PRC LOS TREATY ARTICLES

1. PRC DEL TO UN SEABEDS COMMITTEE IS CIRCULATING
INFORMALLY DRAFT ARTICLES ON TERRITORIAL SEA, STRAITS
AND EXCLUSIVE ECONOMIC ZONE. PRC DEL IS SOLICITING
CO- SPONSORS WITH VIEW TOWARD EVENTUAL FORMAL SUBMISSION.

2. TEXT OF DRAFT ARTICLES FOLLOWS:

PART I
THE TERRITORIAL SEA AND STRAIT
SECTION I GENERAL

ARTICLE 1

THE TERRITORIAL SEA, AS DELIMITED BY A COASTAL STATE BY VIRTUE
OF ITS SOVEREIGNTY, IS A SPECIFIED BELT OF SEA ADJACENT TO ITS
COAST OR INTERNAL WATERS, OVER WHICH IT EXERCISES SOVEREIGNTY.

ARTICLE 2
CONFIDENTIAL

PAGE 02 USUN N 00936 01 OF 02 170328 Z

1. SOVEREIGNTY OVER THE TERRITORIAL SEA EXTENDS TO THE AIRSPACE
OVER THE TERRITORIAL SEA AS WELL AS TO ITS BED AND SUBSOIL.

2. A STRAIT LYING WITHIN THE TERRITORIAL SEA (HEREINAFTER REFERRED TO AS TERRITORIAL STRAIT), WHETHER OR NOT IT IS FREQUENTLY USED FOR INTERNATIONAL NAVIGATION, FORMS AND INSEPARABLE PART OF THE TERRITORIAL SEA OF THE COASTAL STATE.

SECTION II
DELIMITATION OF THE TERRITORIAL SEA

ARTICLE 3

1. A COASTAL STATE IS ENTITLED TO REASONABLY DEFINE, ACCORDING TO ITS GEOGRAPHICAL FEATURES AND ITS NEEDS OF ECONOMIC DEVELOPMENT AND NATIONAL SECURITY, THE BREADTH AND LIMITS OF ITS TERRITORIAL SEA AND SHALL GIVE PUBLICITY THERETO.

2. THE BREADTH AND LIMITS OF THE TERRITORIAL SEA AS DEFINED BY A COASTAL STATE ARE APPLICABLE TO THE ISLANDS BELONGING TO THAT STATE.

ARTICLE 4

COASTAL STATES IN THE SAME REGION MAY, BY AGREEMENT THROUGH CONSULTATIONS, DEFINE A UNIFIED BREADTH FOR THE TERRITORIAL SEAS IN THE REGION,

ARTICLE 5

1. COASTAL STATES ADJACENT OR OPPOSITE TO EACH OTHER SHALL DEFINE THE BOUNDARIES BETWEEN THEIR TERRITORIAL SEAS ON THE PRINCIPLES OF MUTUAL RESPECT FOR SOVEREIGNTY AND TERRITORIAL INTEGRITY, EQUALITY AND RECIPROCITY. NO SUCH STATE IS ENTITLED, FAILING AGREEMENT TO THE CONTRARY OR EXCEPT ON OTHER REASONABLE GROUNDS, TO EXTEND ITS TERRITORIAL SEA BEYOND A MERIDIAN (SIC) LINE.

2. IN CASES WHERE A MERIDIAN (SIC) LINE IS USED TO DELIMIT TERRITORIAL SEAS, EVERY POINT ON THE MERIDIAN (SIC) LINE SHALL BE EQUIDISTANT FROM THE NEAREST POINTS OF THE BASELINES FROM WHICH THE BREADTH OF THE TERRITORIAL SEAS OF EACH OF THE TWO STATES CONCERNED IS MEASURED.

SECTION III
CONFIDENTIAL

PAGE 03 USUN N 00936 01 OF 02 170328 Z

THE BASELINE

ARTICLE 6

A COASTAL STATE MAY ADOPT ITS OWN METHOD OF DRAWING THE BASELINE ACCORDING TO THE TOPOGRAPHICAL FEATURES OF ITS COAST.

ARTICLE 7

1. IN LOCALITIES WHERE THE COASTLINE IS REGULAR OR THE COAST

IS LOW AND FLAT, THE METHOD OF NATURAL BASELINES, I. E., TAKING THE LOW- TIDE LINES AS THE BASELINES, MAY BE EMPLOYED FOR MEASURING THE BREADTH OF THE TERRITORIAL SEA.

2. IN LOCALITIES WHERE THE COASTLINE IS INDENTED THE METHOD OF A SERIES OF STRAIGHT BASELINES, I. E., TAKING THE LINES CONNECTING APPROPRIATE PROTRUDING POINTS ON THE COAST AS THE BASELINES, MAY BE EMPLOYED FOR MEASURING THE BREADTH OF THE TERRITORIAL SEA. THE DIRECTION OF SUCH A SERIES OF STRAIGHT BASELINES SHALL BE ROUGHLY IN CONFORMITY WITH THAT OF THE COAST. THE DISTANCE BETWEEN TWO ADJACENT BASEPOINTS SHALL NOT BE TOO LONG.

3. A STATE WITH COASTS OF GREAT LENGTHS AND COMPLICATED TOPOGRAPHY MAY EMPLOY THE METHOD OF MIXED BASELINES, I. E. DRAWING BASELINES IN TURN BY THE METHODS PROVIDED FOR IN PARAGRAPHS 1 AND 2 TO SUIT DIFFERENT CONDITIONS.

ARTICLE 8

1. IF THERE ARE ISLANDS ALONG THE COAST, STRAIGHT LINES CONNECTING THE BASEPOINTS OF THE OUTERMOST ISLANDS MAY SERVE AS BASELINES.

2. IF THE DISTANCE BETWEEN THE BASEPOINTS AT THE ENTRANCE OF A BAY DOES NOT EXCEED TWICE THE BREADTH OF THE TERRITORIAL SEA, THE STRAIGHT LINE LINKING THE TWO POINTS MAY SERVE AS THE BASELINE.

3. IF A RIVER MOUTH JOINS THE SEA DIRECTLY AND THERE IS NO ISLAND OFF IT, THE STRAIGHT LINE CONNECTING THE TWO PROTRUDING POINTS ON THE LOW- TIDE LINE ON EITHER BANK OF THE RIVER MOUTH MAY SERVE AS THE BASELINE.

4. IF REEFS AND BARS ABOVE WATER AT LOW TIDE ARE SITUATED WHOLLY OR PARTLY AT A DISTANCE NOT EXCEEDING THE BREADTH OF THE TERRITORIAL SEA FROM THE MAINLAND OR AN ISLAND, THE LOW- TIDE LINES ON THOSE REEFS AND BARS MAY BE USED AS BASELINES FOR MEASURING THE BREADTH OF THE TERRITORIAL SEA.

CONFIDENTIAL

PAGE 04 USUN N 00936 01 OF 02 170328 Z

ARTICLE 9

IF AN ARCHIPELAGO OR AN ISLAND CHAIN IS COMPOSED OF ISLANDS WHICH ARE RATHER NEAR TO EACH OTHER, IT MAY BE TAKEN AS AN INTEGRATED ENTITY. IN THE CASE OF AN ARCHIPELAGO, THE SERIES OF STRAIGHT LINES CONNECTING THE OUTER BASEPOINTS ON THE OUTERMOST ISLANDS MAY BE USED AS THE BASELINES. IN THE CASE OF AN ISLAND CHAIN, THE STRAIGHT LINES CONNECTING THE OUTER BASEPOINTS ON THE ISLAND CHAIN MAY BE USED AS THE BASELINES.

SECTION IV REGULATION BY A COASTAL STATE OF ITS TERRITORIAL SEA AND STRAIT

ARTICLE 10

FOR THE PURPOSES OF REGULATION OF ITS TERRITORIAL SEA AND

TERRITORIAL STRAIT, A COASTAL STATE MAY ENACT NECESSARY LAWS AND REGULATIONS AND GIVE PUBLICITY THERETO.

ARTICLE 11

FOREIGN NON- MILITARY SHIPS ENJOY INNOCENT PASSAGE THROUGH TERRITORIAL SEAS AND TERRITORIAL STRAITS. PASSAGE IS INNOCENT WHEN IT IS NOT PREJUDICIAL TO THE PEACE, SECURITY AND GOOD ORDER OF A COASTAL STATE AND WHEN THE LAWS AND REGULATIONS OF THE COASTAL STATE ARE COMPLIED WITH.

ARTICLE 12

1. AIRCRAFT AND MILITARY SHIPS OF ANY FOREIGN STATE MAY NOT ENTER A COASTAL STATE' S TERRITORIAL SEA, TERRITORIAL STRAIT AND THE AIRSPACE THEREABOVE WITHOUT THE PRIOR APPROVAL OF THE COASTAL STAE.
2. FOREIGN SUBMARINES ENTERING A COASTAL STATE' S TERRITORIAL SEA OR TERRITORIAL STRAIT WITH PRIOR APPROVAL SHALL NAVIGATE ON THE SURFACE OF THE TERRITORIAL SEA OR TERRITORIAL STRAIT AND DISPLAY THEIR FLAG.
3. IF AIRCRAFT AND MILITARY SHIPS OF ANY FOREIGN STATE INTRUDE INTO A COASTAL STATE' S TERRITORIAL SEA, TERRITORIAL STRAIT AND THE AIRSPACE THEREABOVE WITHOUT PRIOR APPROVAL, THIS SHALL BE CONFIDENTIAL

PAGE 05 USUN N 00936 01 OF 02 170328 Z

CONSIDERED AN ACT ON INFRINGEMENT OF THE SOVEREIGNTY OF THE COASTAL STATE. THE COASTAL STATE IS ENTITLED TO TAKE ANY NECESSARY MEASURES AS MAY BE REQUIRED BY THE SITUATION IN ORDER TO PROTECT ITS SOVEREIGNTY INVIOATE.

ARTICLE 13

1. SHIPS OF ANY FOREIGN STATE PSSING THROUGH THE TERRITORIAL SEA AND THE TERRITORIAL STRAIT ARE REQUIRED TO TAKE EFFECTIVE MEASURES NOT TO POLLUTE SEA WATER OR DAMAGE ANY FACILITIES, AND VIOLATION OF SUCH RULSE SHALL ENTAIL RESPONSIBILITY FOR COMPENSATION.
 2. SHIPS OF ANY FOREIGN STATE PASSING THROUGH THE TERRITORIAL SEA AND THE TERRITORIAL STRAIT SHALL NOT HOVER ABOUT, STOP OR ANCHOR EXCEPT WHEN NAVIGATION IS HAMPERED BY FAILURE OF MACHINERY OR WHEN ACCIDENTS ARE CAUSED BY FORCE MAJEURE.
 3. IF SHIPS AND AIRCRAFT OF ANY FOREIGN STATE VIOLATE THE LAWS AND REGULATIONS OF A COASTAL STATE, THE COASTAL STATE IS ENTITLED TO GIVE THEM WARNINGS, OR ORDER THEM TO LEAVE ITS TERRITORIAL SEA OR TERRITORIAL STRAIT, AND IN CASE OF A SERIOUS VIOLATION, TO INSPECT ON BOARD, DETAIN, PURSUE, OR PUNISH THEM ACCORDING TO LAW.
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PAGE 01 USUN N 00936 02 OF 02 170347 Z

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ACTION IO-13

INFO OCT-01 AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSC-01 ADP-00

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INFO AMCONGEN HONG KONG

C O N F I D E N T I A L SECTION 2 OF 2 USUN 0936

E. O. 11652: GDS

TAGS: PBOR, UN

SUBJ: LOS: PRC LOS TREATY ARTICLES

ARTICLE 14

1. EXCEPT UNDER SPECIAL CONDITIONS, NO CHARGES OR TOLLS MAY BE LEVIED UPON FOREIGN NONMILITARY SHIPS BY A COASTAL STATE FOR PASSAGE THROUGH ITS TERRITORIAL SEA AND TERRITORIAL STRAIT. PILOTING AND TUGGING SHALL NOT BE COMPULSORY, AND NORMAL NAVIGATION SHALL NOT BE HAMPERED.
2. A COASTAL STATE SHOULD TAKE NECESSARY SAFETY MEASURES TO ASSURE UNIMPEDED PASSAGE THROUGH CHANNELS OF ITS TERRITORIAL SEA AND TERRITORIAL STRAIT, TO KEEP THE LAY- OUT OF ROUTE MARKINGS IN NORMAL CONDITION, AND GIVE TIMELY PUBLICITY TO ANY DANGERS TO NAVIGATION OF WHICH IT HAS KNOWLEDGE.

ARTICLE 15

1. A COASTAL STATE MAY TAKE APPROPRIATE AND NECESSARY MEASURES TO PROTECT THE RESOURCES IN THE WATER, ON THE SEA- BED AND IN THE SUBSOIL THEREOF WITHIN THE LIMITS OF ITS TERRITORIAL SEA AND
- CONFIDENTIAL

PAGE 02 USUN N 00936 02 OF 02 170347 Z

TERRITORIAL STRAIT.

2. A COASTAL STATE MAY ADOPT REASONABLE MEASURES TO PROTECT

THE MARINE ENVIRONMENT OF ITS TERRITORIAL SEA AND TERRITORIAL STRAIT AND PREVENT MARINE POLLUTION.

PART II

THE EXCLUSIVE ECONOMIC ZONE

SECTION I

DELIMITATION AND NATURE OF THE EXCLUSIVE ECONOMIC ZONE

ARTICLE 16

A COASTAL STATE MAY REASONABLY DEFINE ITS EXCLUSIVE ECONOMIC ZONE (HEREINAFTER REFERRED TO AS THE ECONOMIC ZONE) BEYOND ITS TERRITORIAL SEA IN ACCORDANCE WITH ITS GEOGRAPHICAL AND GEOLOGICAL CONDITIONS, THE STATE OF ITS NATURAL RESOURCES, AND ITS NEEDS OF NATIONAL ECONOMIC DEVELOPMENT.

ARTICLE 17

1. ALL NATURAL RESOURCES WITHIN THE ECONOMIC ZONE OF A COASTAL STATE, INCLUDING LIVING AND NON- LIVING RESOURCES OF THE WHOLE WATER COLUMB, SEA- BED AND ITS SUBSOIL, APPERTAIN TO THE COASTAL STATE.
2. A COASTAL STATE EXERCISES EXCLUSIVE JURISDICTION OVER ITS ECONOMIC ZONE FOR THE PURPOSES OF PROTECTING, USING, EXPLORING AND EXPLOITING THE RESOURCES AS DESCRIBED IN PARAGRAPH 1 OF THIS ARTICLE.

ARTICLE 18

THE NORMAL NAVIGATION AND OVERFLIGHT ON THE WATER SUFRACE OF AND IN THE AIR SPACE ABOVE THE ECONOMIC ZONE BY SHIPS AND AIR- CRAFT OF ALL STATES SHALL NOT BE PREJUDICED. TO LAY SUBMARINE CABLES AND PIPELINES IN THE CONOMIC ZONE SHALL REQUIRE APPROVAL OF THE COASTAL STATE.

SECTION II

ACTIVITIES OF OTHER STATES IN THE EXCLUSIVE ECONOMIC ZONE

ARTICLE 19

CONFIDENTIAL

PAGE 03 USUN N 00936 02 OF 02 170347 Z

1. OTHER STATES MAY ENGATE IN FISHERY, MINING AND OTHER ECONOMIC ACTIVITES IN THE ECONOMIC ZONE OF A COASTAL STATE PURSUANT TO AGREEMENT REACHED WITH THE COASTAL STATE.
2. SURVEY AND SCIENTIFIC RESEARCH CONDUCTED BY OTHER STATES IN THE ECONOMIC ZONE OF A COASTAL STATE SHALL REQUIRE THE PRIOR APPROVAL OF THE COASTAL STATE.

ARTICLE 20

THE COASTAL STATE SHALL, IN PRINCIPLE, GRANT TO A LAND- LOCKED STATE ADJACENT TO ITS TERRITORY COMMON ENJOYMENT IN CERTAIN PROPORTION OF THE RIGHTS OF OWNERSHIP AND JURISDICTION IN THE ECONOMIC ZONE. THE STATES CONCERNED SHALL SEEK A REASONABLE SOLUTION OF THE MATTER THROUGH CONSULTATIONS.

SECTION III

REGULATION BY A COSTAL STATE OF ITS EXCLUSIVE ECONOMIC ZONE

ARTICLE 21

A COASTAL STATE MAY ENACT NECESSARY LAWS AND REGULATIONS FOR THE EFFECTIVE REGULATION OF ITS ECONOMIC ZONE.

ARTICLE 22

IN CARRYING OUT ANY ACTIVITIES IN THE ECONOMIC ZONE OF A COASTAL STATE, THE LAWS AND REGULATIONS OF THE STATE RELATING TO THE CONSERVATION OF FISHERY RESOURCES, THE PREVENTION AND ELIMINATION OF POLLUTION OF THE MARINE ENVIRONMENT AS WELL AS THE PROHIBITION OF DAMAGE TO NATURAL RESOURCES MUST BE OBSERVED.

ARTICLE 23

A COASTAL STATE IS ENTITLED, WHEN NECESSARY, TO DEAL WITH UNAUTHORIZED FISHERY, MINING OR OTHER ACTIVITIES IN ITS ECONOMIC ZONE, AND WITH VIOLATIONS OF ITS RELEVANT LAWS AND REGULATIONS EVEN THOUGH IT HAS GIVEN PRIOR APPROVAL FOR SUCH ACTIVITIES.

SECTION IV

RELATIONSHIP BETWEEN NEIGHBOURING STATES

ARTICLE 24

CONFIDENTIAL

PAGE 04 USUN N 00936 02 OF 02 170347 Z

THE DEFINING OF BOUNDARIES BETWEEN THE ECONOMIC ZONES OF COASTAL STATES ADJACENT OR OPPOSITE TO EACH OTHER SHALL BE DETERMINED THROUGH CONSULTATION ON THE BASIS OF EQUALITY AND MUTUAL RESPECT.

ARTICLE 25

FOR THE EXPLOITATION, REGULATION, SCIENTIFIC RESEARCH AND OTHER ACTIVITIES IN CONNECTION WITH FISH, PETROLEUM, NATURAL GAS AND OTHER RESOURCES IN THE CONTIGUOUS PARTS OF THE ECONOMIC ZONES OF COASTAL STATES ADJACENT OR OPPOSITE TO EACH OTHER, THESE STATES MAY, ON THE BASIS OF SAFEGUARDING AND RESPECTING THEIR RESPECTIVE SOVEREIGNTY, CONDUCT NECESSARY CONSULTATIONS IN SEEKING RESONABLE SOLUTIONS.
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